

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS,  
EASTERN DIVISION**

RONALD ROSCOE,	)	FILED: APRIL 24, 2009
	)	
Plaintiff,	)	09CV2521
	)	JUDGE ZAGEL
v.	)	MAGISTRATE JUDGE DENLOW
	)	No. BR
BUREAU OF COLLECTION	)	
RECOVERY, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL**

RONALD ROSCOE (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against BUREAU OF COLLECTION RECOVERY, INC., (Defendant):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Illinois, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

6. Declaratory relief is available pursuant to 28 *U.S.C.* 2201 and 2202.

### **PARTIES**

7. Plaintiff is a natural person residing in Hazel Crest, Cook County, Illinois.
8. Plaintiff is a consumer as that term is defined by 15 *U.S.C.* 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C.* 1692a(5).
9. Defendant is a debt collector as that term is defined by 15 *U.S.C.* 1692a(6), and sought to collect a consumer debt from Plaintiff.
10. Defendant is a business with its headquarters in Eden Prairie, Hennepin County, Iowa.
11. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

12. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
13. Defendant calls Plaintiff at 708-799-5914.
14. Defendant calls Plaintiff from 866-364-9836.
15. Defendant calls Plaintiff and hangs up.
16. Defendant fails to inform Plaintiff that the call is from a debt collector.
17. Defendant failed to provide Plaintiff with a debt validation letter.

### **COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

18. Defendant violated the FDCPA based on the following:
- a. Defendant violated §1692b(2) of the FDCPA by leaving messages on Plaintiff's home answering machine stating that Plaintiff owes a debt.

- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
  - c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of caller's identity because Defendant often times hung up after Plaintiff identified himself.
  - d. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.
  - e. Defendant violated §1692g(a)(1-5) by failing to provide appropriate notice of the debt within 5 days after the initial communication including: (1) the amount of the debt; (2) the name of the creditor to whom the debt is owed; (3) a statement that unless the consumer, within 30 days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector; (4) a statement that if the consumer notifies the debt collector in writing within the 30-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and (5) a statement that, upon the consumer's written request within the 30-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.
19. As a direct and proximate result of one or more or all of the statutory violations above Plaintiff has suffered emotional distress (see Exhibit A).

WHEREFORE, Plaintiff, RONALD ROSCOE, respectfully requests judgment be entered

against Defendant, BUREAU OF COLLECTION RECOVERY, INC., for the following:

20. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
21. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
22. Actual damages,
23. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
24. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By:           /s/ Adam J. Krohn            
[ ] Adam Krohn  
Attorneys for Plaintiff  
Krohn & Moss, Ltd.  
120 W. Madison  
10<sup>th</sup> Floor  
Chicago, IL 60602

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, RONALD ROSCOE, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ILLINOIS

1. I am the Plaintiff in this civil proceeding.
2. I declare under penalty of perjury that all of the facts contained in it are true, to the best of my knowledge, information and belief.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I declare under penalty of perjury that I am not a party to this civil proceeding.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint, and which has been indicated as such, is true and correct.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have indicated where the attached exhibits may contain some of my own handwritten notations.

I declare under penalty of perjury that I have read and verified or state) under penalty of perjury that the foregoing is true and correct.

April 18, 2009  
Date

Ronald Roscoe  
RONALD ROSCOE

**EXHIBIT A**

I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

1. Sleeplessness
2. Fear of answering the telephone
3. Nervousness
4. Fear of answering the door
5. Embarrassment when speaking with family or friends
6. Depressions (sad, anxious, or "empty" moods)
7. Chest pains
8. Feelings of hopelessness, pessimism
9. Feelings of guilt, worthlessness, helplessness
10. Appetite and/or weight loss or overeating and weight gain
11. Thoughts of death, suicide or suicide attempts
12. Restlessness or irritability
13. Headache, nausea, chronic pain or fatigue
14. Negative impact on my job
15. Negative impact on my relationships

☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO  
☒ YES ☐ NO

Other physical or emotional symptoms you believe are associated with abusive debt collection activities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.*

Dated: 04-23-09

Ronald D. Roscoe  
Signed Name

RONALD D. ROSCOE  
Printed Name